

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CENDANT PUBLISHING, INC.)
)
Plaintiff,)
) Civil Action No. _____
v.)
)
AMAZON.COM, INC.,)
)
Defendant.)

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff, Cendant Publishing, Inc. (“Cendant Publishing”), by and through counsel, respectfully submit this Complaint against Amazon.com, Inc. (“Amazon”). In support thereof, Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff Cendant Publishing, Inc. is a Delaware corporation with its principal place of business at 10750 West Charleston Blvd., Suite 130, Las Vegas, Nevada 89135.
2. Upon information and belief, Defendant Amazon.com, Inc. is a Delaware corporation with its principal executive offices at 1200 12th Avenue South, Suite 1200, Seattle, Washington 98114. Amazon operates an Internet-based marketplace selling millions of items including books as shown by its website at <<http://www.amazon.com>>. A key feature of Amazon’s website includes web pages tailored to individual preferences, such as recommendations and notifications.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).
4. This Court has personal jurisdiction over defendant Amazon because of, *inter alia*, its incorporation in Delaware and its operation of its Internet website, amazon.com, which is accessible to and marketed to residents of Delaware.
5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

NATURE OF THE ACTION

6. Cendant Publishing brings this action for infringement of United States Patent No. 6,782,370 (“‘370 patent”). A copy of the ‘370 patent is attached as Exhibit A hereto.
7. The ‘370 patent, entitled “System and Method for Providing Recommendation of Goods or Services Based on Recorded Purchasing History” was duly and properly issued by the United States Patent and Trademark Office (“PTO”) on August 24, 2004. The ‘370 patent is valid and enforceable.
8. Amazon operates an on-line marketplace through its amazon.com website. Amazon’s online marketplace uses numerous features which recommend other goods to potential customers based on prior customer purchasing history. Amazon’s recommendation features, including, *inter alia*, “Customers who bought this book also bought,” infringe one or more claims of the ‘370 patent.
9. Cendant Publishing was the assignee of the ‘370 patent at the time it was issued.

10. Cendant Publishing is the owner of the '370 patent and has the right to sue for infringement of the '370 patent.

CLAIM I
Infringement of the '370 Patent

11. Cendant Publishing realleges the allegations of Paragraphs 1 to 10 above as if set forth herein.

12. Amazon has infringed the '370 patent and will continue to do so unless enjoined by this Court.

13. Amazon's continuing acts of infringement after notice of the '370 patent constitute willful infringement of the '370 patent.

14. Amazon's infringement of the '370 patent has damaged Cendant Publishing and will continue to cause Cendant Publishing harm unless enjoined by this Court.

DEMAND FOR JURY TRIAL

15. Pursuant to Fed. R. Civ. P. 38 and District of Delaware L.R. 38.1, Cendant Publishing respectfully requests a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Cendant Publishing prays for judgment as follows:

A. That this Court adjudge and decree that the '370 patent is valid and infringed by Amazon;

- B. That this Court adjudge and decree that Amazon's infringement of the '370 patent has been willful;
- C. That this Court permanently enjoin Amazon, its agents, servants, employees, attorneys, and all others in active concert or participation with Amazon from infringing the '370 patent;
- D. That this Court award Cendant Publishing damages adequate to compensate for Amazon's infringement of the '370 patent;
- E. That this Court award Cendant Publishing its costs, disbursements, and attorneys' fees for this action, including those pursuant to 35 U.S.C. § 285;
- F. That Cendant Publishing be awarded such further relief as this Court may deem just and appropriate.

ASHBY & GEDDES



Steven J. Balick (I.D. #2403)
John G. Day (I.D. #2114)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888

Attorneys for Plaintiff Cendant Publishing, Inc.

Of Counsel:

Steven Lieberman
Elizabeth A. Leff
Brian Rosenbloom
C. Nichole Gifford
Rothwell, Figg, Ernst & Manbeck, P.C.
1425 K Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 783-6040

Dated: June 20, 2005

158689